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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,650	07/27/2006	Mark De Keyser	003D.0105.U1(US)	2790
29683 7590 04/17/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212				
EXAMINER				
ARBES, CARL J				
ART UNIT		PAPER NUMBER		
3729				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/587,650

**Applicant(s)**

DE KEYSER ET AL.

**Examiner**

C. J. Arbes

**Art Unit**

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date herein.

The remarks and particularly the citation of the appropriate PCT Rule by able counsel with regard to restriction practice of PCT originated application has been convincing. The Office therefore rescinds its Restriction and now examines each of claims 1-21 on their merits.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants provide no proper interrelationship among the ... a die in 2 parts, which define, in the interior a stamp ..., ...means of relative movement of the 2 parts of the die..., ...at least one punch for making the indentation... i. ...means for movement said punch n claim 15. That is Applicants do not adequately claim or recite an apparatus that functions to crimp for example an electrical contact There is a lack interrelationship among or between the claimed structural parts. Applicants fail to recite, for example, how the recited 2 parts of the die are interrelated, how such punch is operatively associated with said means for relative movement ... . Moreover it is far from clear or certain how or what from said claim 1 is defined or brought into in claim 15. As applied to claims 20 and 21 Applicants provide no interrelationship or functional relationship between the recited joint drive motor, transmission units cams and the like (claim 20) or ...distinct drive motors ... (claim 21) so that a complete or functional tool is provided. Therefore these claims are further held to be unclear, vague and indefinite. The metes and bounds of claim 15 are further

made unclear because it is unclear, vague and indefinite what structure in claim 1 is incorporated into claim 15. Moreover it is far from clear or certain what applicants intend when they recite "characterized... in substantially each of the claims. This language may be clear to people in other lands' Patent Offices but the this Examiner's position is that the language only add confusion and lack of clarity to the claimed invention. Moreover claims 5-14 are recited as "use" claims. It is held by reciting that this terminology further renders these claims unclear, vague and indefinite. What are Applicants intending to include by reciting these claims which clearly depend directly (or indirectly) on "method of crimping" claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, assuming that the claims are clear and definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergan (Pat No. 2,724,098); hereinafter Bergan.

Bergan teaches electric connectors. An outer sleeve or barrel (10) comprises 2 stock parts. Bergan teaches using a die (b) lowering an upper jaw (b) (Cf Col. 5) to electrically connect a multiply stranded cable onto the closed-section barrel. Punch d located opposite hole 18 deforms portion 11. By means of a crimping machine or tool a connector with end p is deformed in the single layered portion of the sleeve opposite to the bottom lock to form indent 27. Inasmuch as Bergan does not explicitly teach a

punching operation (but does teach compression-necking a barrel (10) by means of a die and also teaches indentations that are formed on the barrel it would have been obvious for a PHOSITA given the Bergan teaching and also the ordinary skill in this art to punch the indent (27) into the barrel subsequent to the compression-necking (or squeezing or forming) after the die-stamping step. It is held to be within the ordinary skill of an PHOSITA to punch the barrel subsequent to the compression necking step given Bergan's teaching. Moreover as applied to claims 2, 5-13, 16 and 17 are held to have been mere design choices inasmuch as there is no specific problem that is solved therewith nor is there any particular purpose therefore. As applied to claims 3 wherein applicants use a punch means while the die is kept closed it is held that a PHOSITA having ordinary skill in this art and having the Bergan teaching would be able to design and use a toll wherein a punch would perform a punching operation while the die is being kept closed. As applied to claim 4 it is seen at least from figure 10 and 11 that indent 27 is present. It would have been obvious at least to try or carry out by means of a single punch a punching operation for pairs of adjacent indentations. As applied to claim 14 Bergan does teach that the wire is multiply stranded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. J. Arbes whose telephone number is 571-272-4563. The examiner can normally be reached on M, T, R and F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Vo, can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. J. Arbes/  
Primary Examiner, Art Unit 3729